

**Department of Community Planning and Economic Development – Planning Division**  
Variances  
BZZ-5549

**Date:** May 24, 2012

**Applicant:** Bradley Fagerstrom and Robert Lewis

**Address of Property:** 3736 Zenith Avenue South

**Contact Person and Phone:** Bradley Fagerstrom and Robert Lewis, (612) 518-4810

**Planning Staff and Phone:** Shanna Sether, (612) 673-2307

**Date Application Deemed Complete:** April 26, 2012

**End of 60 Day Decision Period:** June 25, 2012

**Ward:** 13      **Neighborhood Organization:** Linden Hills Neighborhood Council

**Existing Zoning:** R1 Single-Family District and SH Shoreland Overlay District

**Zoning Plate Number:** 23

**Legal Description:** Not applicable

**Proposed Use:** A 400 square foot, 3<sup>rd</sup> floor addition to an existing single-family dwelling

**Variance:** to increase the maximum height of a principal structure from 2.5 stories to 3 stories to allow for a 400 square foot addition to an existing single-family dwelling.

**Zoning code section authorizing the requested variance:** Chapter 525, Article IX Variances, Specifically Section 525.520(4) "...to vary the height requirements for any structure, except signs, provided that the total floor area ratio on the site shall not be exceeded..."

**Background:** The subject property is approximately 59 feet by 130 feet (7,670 square feet) and is occupied by an existing Midcentury Modern two-story, single-family dwelling with a flat roof. The single-family dwelling was constructed in 1962 and was only considered to be a one-story structure when it was built. The structure was built without a traditional basement and was built with a piled foundation due to the soils and higher water table. The building permit (B377564) referred to the structure as having one-story, 8 feet in height, with the garage located in the basement. There have been no additions to the single-family dwelling since its original construction. Based on the current zoning code definition of story, the garage and basement are now considered to be one story and the habitable living space on the second floor is considered to be a story, making the house a two-story structure.

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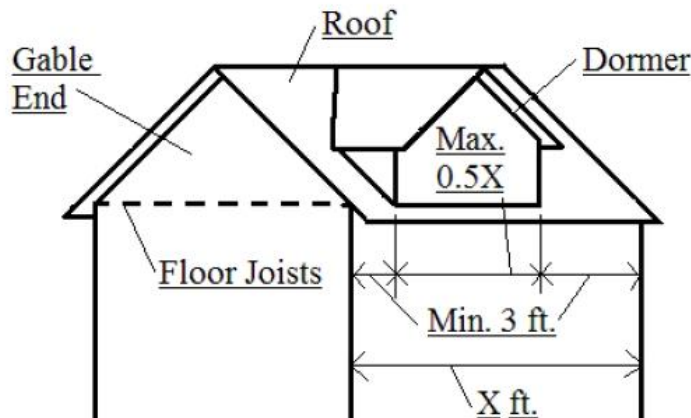
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*Story.* That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or fourteen (14) feet, whichever is less, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. Where a portion of a building included between the upper surface of any floor and the upper surface of the floor next above exceeds fourteen (14) feet in height, each fourteen (14) feet or fraction thereof is considered a story except that the first story may be up to twenty (20) feet in height for all buildings other than single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units. If the finished floor surface directly above a basement, cellar or unused under floor space is more than six (6) feet above grade, for more than fifty (50) percent of the total perimeter, or is more than twelve (12) feet above grade at any point, such basement, cellar or unused under floor space shall be considered a story.

The applicants are proposing to add a 16 foot by 36 foot 6 inch, 3<sup>rd</sup> floor addition to the existing single-family dwelling. The maximum height of a principal structure in the R1 Single-Family District is 2.5 stories or 30 feet, whichever is less. The proposed height of the structure will be 29 feet. Although, the third floor addition is less than fifty percent of the floor below, it does not qualify as a half-story, because the roof style is flat. Half-stories are only permitted under a hip or gable roof in the zoning code.

*Story, half.* A story that meets the following criteria:

- (1) The half story will be located on a principal residential structure with a maximum district or use height of two and one-half (2.5) stories. A partial story located in any other district or on any other use shall be considered a full story.
- (2) Gross floor area of the half story will be located under a gable or hip roof and all of the roof rafters shall abut the floor joists, except at gable ends or where dormers are allowed.
- (3) Dormers on the half story will meet the following standards.
  - a. The total width of all dormers on any façade will not exceed fifty (50) percent of the width of the wall of the floor below the half story roof.
  - b. Dormers will be located no closer than three (3) feet from any end-of-house corner of the floor below and any gable end wall.
  - c. Dormers will not extend beyond the wall below and will not interrupt the eave edge of the hip or gable roof.



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Therefore, the applicants are requesting a variance to increase the maximum height of a single-family dwelling from 2.5 stories to 3 stories to allow for the proposed addition.

As of writing this staff report, staff has not received any correspondence from the Linden Hills Neighborhood Council. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

### **Findings Required by the Minneapolis Zoning Code:**

**VARIANCE:** to increase the maximum height of a single-family dwelling from 2.5 stories to 3 stories.

**1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

The circumstances upon which the variance is requested are unique to the parcel of land due to the existing grading, soils and water table. The applicants did extensive research on the structure's foundation and soils. After speaking with the company who did the piling work, it was determined that disturbance of the original foundation or slab would not be advised. Based on this information, the applicants decided to add additional habitable space above the second floor. In addition, staff verified with Public Works regarding the soils and water table in the area. They confirmed that there is a wetland across the street and that any structure built into the grade would most likely have water issues within the structure. Further, the dwelling would not be able to alleviate the water issues by connecting to the storm drain.

The applicants are proposing to construct a new 584 square foot addition to the existing single family dwelling that is consistent with the maximum height at 29 feet and would be less than the maximum gross floor area permitted on this lot. The applicants could construct the proposed addition without the variance if they built it under a hip or gable roof. However, the original architecture of the dwelling, dating back to 1962, would be compromised with a hip or gable roof style. In addition, the overall height of the structure would be taller if the addition were constructed under a hip or gable roof since height is measured at the mid-point of the roof.

**2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

The applicants are seeking a variance to increase the maximum height of a principal structure from 2.5 stories to 3 stories to allow for a 584 square foot addition to an existing single-family dwelling. The proposed addition will not exceed the maximum height in feet; however, it will exceed the number of stories, based on the roof style. Based on the analysis of the soils and the current foundation, they have been directed to not disturb the ground. Staff believes that the applicant is proposing to use the property in a reasonable manner.

**3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will**

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**not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Staff believes that the granting of this variance would be in keeping with the spirit and intent of the ordinance and would not negatively alter the essential character of the area. The intent of the ordinance is to regulate bulk in order to minimize the impact structures have on surrounding properties in residential neighborhoods and to preserve the traditional development pattern of residential neighborhoods. The proposed addition will cover approximately 22% of the floor below and be less than the maximum height in feet allowed in the R1 District. Further, the proposed addition to the dwelling will be consistent with the heights of the other buildings along the 3700 block of Zenith Avenue South. Finally, granting of the variance will not increase the danger of fire safety or be detrimental to the public welfare or endanger the public safety.

### **Findings required by the Minneapolis Zoning Code for increasing the maximum height:**

#### **1. Access to light and air of surrounding properties.**

The increase in height would likely have no effect on the access to light and air of surrounding properties. The addition is set back from the front and back of the structure. The adjacent structure to the north is located approximately 13 feet away from the addition. The adjacent structure to the south is located over 80 feet from the addition and the shared property line is densely landscaped.

#### **2. Shadowing of residential properties, significant public spaces, or existing solar energy systems.**

Shadowing of the adjacent residential property would most likely be minimal, if at all. The adjacent structure to the north is approximately 13 feet away from the addition. The adjacent structure to the south is located over 80 feet from the addition and the shared property line is densely landscaped. There are not any existing significant public spaces directly adjacent to the site. Staff is not aware of any existing solar energy systems that would be affected by shadowing.

#### **3. The scale and character of surrounding uses.**

In the immediate area, the scale of surrounding buildings range between 2.5 and 3 stories. With the proposed addition, the dwelling will be consistent in height with the adjacent structures.

#### **4. Preservation of views of landmark buildings, significant open spaces or water bodies.**

The building should not significantly block views of landmark buildings, significant open spaces, or bodies of water.

### **Findings required by the Minneapolis Zoning Code for development in the Shoreland Overlay District:**

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### **1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.**

Staff believes that the proposed project will have no impact on soil erosion or pollute public waters during and after construction. The applicant has demonstrated that the necessary precautions will be taken during construction and no changes to the foundation will be made. Therefore, the subject site will not be significantly altered to adversely affect the water quality of Lake Calhoun.

### **2. Limiting the visibility of structures and other development from protected waters.**

The proposed addition will add another floor; however, staff believes that very little of the property will be visible from Lake Calhoun, if any. The subject property is located over 900 feet from Lake Calhoun and the front of the dwelling is heavily landscaped.

### **3. The suitability of the protected water to safely accommodate types, uses and numbers of watercraft that the development may generate.**

This development will not impact watercraft usage on Lake Calhoun.

### **Recommendation of the Department of Community Planning and Economic Development - Planning Division:**

The Department of Community Planning and Economic Development – Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** the variance to increase the maximum height from 2.5 stories to 3 stories to allow for an addition to an existing single-family dwelling located at 3736 Zenith Avenue South in the R1 Single-Family District and SH Shoreland Overlay District subject to the following conditions:

1. The overall height of the building shall not exceed 29 feet.
2. The addition shall not exceed 600 square feet.

### **Attachments:**

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mails sent to Linden Hills Neighborhood Council and CM Hodges
- 3) Zoning map
- 4) SH Shoreland Overlay District map
- 5) B377564 – Building permit for the construction of the single-family dwelling.
- 6) Site plan
- 7) Elevation plans and renderings
- 8) Floor plans
- 9) Photographs